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16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA

18 SUNIL SUDUNAGUNTA,
19 Individually and on behalf of all
20 others similarly situated,
21 Plaintiff,

22 v.

23 NANTKWEST, INC., PATRICK
24 SOON-SHIONG, RICHARD
25 GOMBERG, BARRY J. SIMON,
26 STEVE GORLIN, MICHAEL D.
27 BLASZYK, HENRY JI, RICHARD
28 KUSSEROW, JOHN T. POTTS, JR.,
ROBERT ROSEN, JOHN C.
THOMAS JR., MERRILL LYNCH,
PIERCE, FENNER & SMITH, INC.,
CITIGROUP GLOBAL MARKETS
INC., JEFFERIES LLC, PIPER
JAFFRAY & CO., and MLV & CO.,
LLC.,

Defendants.

Case No. 16-cv-01947-MWF-JEM

Consolidated with
2:16-cv-3438-MWF-JFM

CLASS ACTION

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND
PLAN OF ALLOCATION**

Date: April 29, 2019
Time: 10:00 a.m.
Before: Hon. Michael Fitzgerald
Courtroom: 5A

PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND PLAN OF ALLOCATION

1 **PLEASE TAKE NOTICE** that, on April 29, 2019, at 10:00 a.m., or as
 2 soon thereafter as the matter may be heard, in Courtroom 5A of the Honorable
 3 Michael W. Fitzgerald, United States District Judge for the Central District of
 4 California, located at 350 West First Street, Los Angeles, California, Class
 5 Plaintiffs Donald Hu and Brayton Li (“Class Plaintiffs”) will move this Court for
 6 final approval of the proposed settlement (the “Settlement”) and approval of the
 7 proposed plan of allocation of the proceeds of the Net Settlement Fund (the “Plan
 8 of Allocation”), as set forth in the Stipulation of Settlement, dated October 31,
 9 2018 (the “Stipulation”) (ECF No. 173-1) (the “Motion”).
 10

11 This Motion is supported by the following Memorandum of Points and
 12 Authorities set forth below, the accompanying Joint Declaration of Joshua B.
 13 Silverman and David J. Stone in Support of (1) Motion for Final Approval of
 14 Class Action Settlement and Plan of Allocation, and (2) Motion for an Award of
 15 Attorneys’ Fees, Reimbursement of Litigation Expenses, and Awards for
 16 Plaintiffs (the “Joint Declaration”) and the exhibits filed therewith, the pleadings
 17 and other filings in this Action, and other evidence and argument that may be
 18 presented prior to the Court’s decision on this Motion.

19 Pursuant to Local Rule 7-3, Class Plaintiffs conferred with Defendants
 20 prior to filing this Motion. Defendants do not oppose the relief requested by this
 21 Motion.

22 **STATEMENT OF ISSUES TO BE DECIDED**

23 1. Whether the parties’ negotiated Settlement, as preliminarily approved
 24 by this Court, on the terms and conditions provided for in the Stipulation, is fair,
 25 reasonable, and adequate so as to warrant final approval by this Court.

26 2. Whether the Notice satisfied due process and complied with Fed. R.
 27 Civ. P. 23(e).
 28

1 3. Whether the Court should approve the Plan of Allocation as fair,
2 reasonable, and adequate.

3 Dated: April 8, 2019

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*Co-Lead Counsel for Class Plaintiffs
and the Class*

PROOF OF SERVICE BY ELECTRONIC POSTING

I, the undersigned say:

I am not a party to the above case, and am over eighteen years old. On April 8, 2019, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Central District of California, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this April 8, 2019, at Los Angeles, California.

s/Kara M. Wolke

Kara M. Wolke